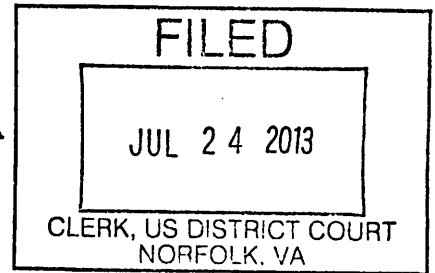


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



JEFFEREY A. HURLEY,
#1012464,

Petitioner,

v.

ACTION NO. 2:12cv408

HAROLD W. CLARKE,
Director of the Virginia
Department of Corrections,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violations of federal rights pertaining to Petitioner's conviction for feloniously eluding police, failure to appear, and child neglect, on July 15, 2009, in the Circuit Court of the City of Norfolk.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report and Recommendation, filed May 9, 2013, recommends dismissal of the petition because the petition is barred by the statute of limitations. Each party was advised of his right to

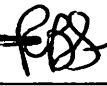
file written objections to the findings and recommendations made by the Magistrate Judge. On May 29, 2013, the Court received Petitioner's Objections to the Report and Recommendation (ECF No. 22). Petitioner's objected to the Report and Recommendation on the grounds his petition is not time-barred.

The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed May 9, 2013. It is, therefore, **ORDERED** that the petition be **DENIED** and **DISMISSED** as time-barred. It is further **ORDERED** that judgment be entered in favor of Respondent.

Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right, and therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within 30 days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to
Petitioner and counsel of record for Respondent.

~~/s/ Rebecca Beach Smith~~ 
~~Chief~~
~~United States District Judge~~
REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

July 24, 2013